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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

**BOBBY WARREN; ANDY LAMBACH;
JONATHON WILLIAMS; MICHAEL
SAMUELSON; TRACY MILLER;
TONA PETERSEN; CAROL BETH
THOMPSON; CHRISTA STEVENS,**

Plaintiffs,

v.

**CITY OF CHICO; CITY OF CHICO
POLICE DEPARTMENT,**

Defendants.

Case No. 2:21-cv-00640-MCE-DMC

**ORDER TO SHOW CAUSE REGARDING
PRELIMINARY INJUNCTION**

Date: Will Be Determined by Court
Time: Will Be Determined by Court
Courtroom: Room 7, 14th Floor
Judge: Hon. Morrison C. England Jr.

The Court, has issued a temporary restraining order against Defendants City of Chico and Chico Police Department, pending this Court's resolution of Plaintiff's motion for a preliminary injunction, as follows:

1. Defendants City of Chico and Chico Police Department, their agents, servants, employees and attorneys and those in active concert or participation with them are

restrained and enjoined from the following, pending this Court's resolution of Plaintiff's Motion for Preliminary Injunction:

- a. Enforcing or threatening to enforce the 72-Hour Illegal Encampment Notifications dated April 8, 2021 at 12 p.m. at Comanche Creek Green Way in Chico, California;
 - b. Issuing or enforcing any other 72-Hour Illegal Encampment Notifications as to unhoused persons on public property in Chico, California;
 - c. Enforcing or threatening to enforce the Chico Municipal Code sections listed in the April 8, 2021 72-hour Illegal Encampment Notification, which are Municipal Code sections 12R.04.340, 12.18.430, 9.20.010 through 9.20.060; and 9.50.030. Enforcement and threat of enforcement of § 9.20.030 (Unlawful Camping) is only restrained on public property. Enforcement and threat of enforcement of § 9.50.030 is limited to §§ 9.50.030 (B) -(E) (Waterways Ordinance - Camping, Staying, Storage of Personal Property, Entering and Remaining);
 - d. Enforcing or threatening to enforce California Penal Code § 647(c), which is listed on the April 8, 2021 at 12 p.m. Illegal Encampment Notification; and
2. Destroying property of unhoused persons seized by Defendants even if Defendants value the property at less than \$100 or determine it is not of reasonable value.

IT IS HEREBY ORDERED THAT:

1. The hearing on Plaintiffs' motion for a preliminary injunction is set for April 23, 2021, at 10:00 a.m. before the Honorable Morrison C. England Jr. and will be conducted via Zoom Videoconference.

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1 2. Given that the Plaintiffs' motion for preliminary injunction will be conducted by
2 videoconference, not later than two (2) days prior to the hearing (or any continued hearing date
3 where remote appearances will be necessary) appearing counsel or parties are directed to file with
4 the Court: (1) a waiver of the appearing party's personal appearance signed by the party; and (2) a
5 proposed order addressing the same. If the parties fail to timely comply with this order, the
6 matter may be continued on the Court's own motion without further notice.
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8 3. Defendants' opposition to Plaintiff's motion for preliminary injunction shall be file and
9 served by April 16, 021.
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11 4. Plaintiff's reply to Defendants' opposition shall be filed and served by April 20, 2021.

12 5. There is no cost to Defendants and Plaintiffs are indigent, unhoused persons, so no
13 security bond is required.
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15 IT IS SO ORDERED.

16 Dated: April 11, 2021

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19 MORRISON C. ENGLAND, JR.
20 SENIOR UNITED STATES DISTRICT JUDGE
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